REMARKS

With this Response, claims 1, 3, 16, and 18 are amended. No claims are added and no claims are canceled. Therefore, claims 1-30 are pending. Reconsideration and allowance are respectfully requested. No new matter has been added.

Claim Rejections - 35 U.S.C. § 112 1st

Claims 1-30 were rejected under 35 U.S.C § 112, first paragraph, as allegedly failing to comply with the enablement requirement. These rejections are respectfully traversed.

With respect to claims 1, 15, and 30, the Examiner asserts that the claims do not enable the system to perform properly as to how a deviation from the baseline actually correlates to a satisfaction value. Applicant respectfully disagrees. In the instant application, the Applicant refers many times to a deviation and how this deviation correlates to a satisfaction value. In particular, at paragraph [0057] the instant application reads: "*If a session is satisfactory, the user will proceed to a logical next action in accordance with the application script. If the user repeats an action or pursues an alternative, the session is likely unsatisfactory. For example, if action sequences in the session correspond to action sequences in the application script, and the desired goal is attained, the user is presumably satisfied. If the session is dissimilar to the application script, however, the user is likely dissatisfied.*" This text teaches that if user's actions correspond to action sequences of the application script, then the user is satisfied. If the user repeats an action or pursues an alternative from the action sequences of the application script, then the user is likely dissatisfied. Therefore, deviation from the action sequences of the application script leads to dissatisfaction. The instant application also teaches that: "*The degree of dissatisfaction may depend on the number of deviations or detours from the application script*

performed by the user. In an exemplary embodiment, values may be accumulated for each action within a session that corresponds to the application script. Values for actions that differ or deviate from the application script may be subtracted. The resultant value is an indicator of user satisfaction." This text clearly shows how the deviation correlates to a satisfaction value. The satisfaction value can be estimated by assigning values to user's actions that correspond to sequence actions of the application script, adding these values, and subtracting the values of the actions that deviate from the application script. This is how the deviation influences the satisfaction value for the user.

The Examiner suggests that "deviation from the baseline may often times mean that the customer was satisfied", see Office Action, page 2. However, this is not what the Applicant discloses. The deviation often times mean that the customer was <u>not</u> satisfied according to the Specification (e.g., see paragraph [0057]). Further, the Examiner asserts that often time a loop, as claimed in claim 3, could require a reward. According to the Specification, a "loop" refers to "*actions in a session between which a user deviates from the application script*", paragraph [0045]. Deviation from the application script, or baseline, leads to user dissatisfaction, thus a loop requires a penalty and not a reward. Therefore, Applicant submits that claims 1-30 do contain subject matter which is described in the Specification in such a way to enable one skilled in the art to make and/or use the invention as to 35 U.S.C. 112, first paragraph. Applicant respectfully requests rejections under 35 U.S.C. 112, first paragraph, on claims 1-30 be withdrawn.

Claim Rejections - 35 U.S.C. § 112

Claims 3, 4, 18, and 19 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly failing to set forth the subject matter which Applicant regards as the invention. These rejections are respectfully traversed.

With respect to claims 3 and 18, Applicant has amended the claims and respectfully requests the rejections under 35 U.S.C. § 112, second paragraph, be withdrawn.

With respect to claims 4 and 19, Examiner asserts that it is indefinite as to what a "user session" is and further the Examiner assumes that the "user session" is equivalent to "monitored interaction". Applicant respectfully disagrees with this assumption. In the Specification, paragraph [0034] reads: "*A "session" may comprise all or some portion of the actions a user performs during his interaction with application*". Thus, the user session can include only some of the actions the user performs in a monitored interaction and therefore, the user session cannot be characterized as the monitored interaction itself. Applicant submits that the Specification clearly teaches what a "user session" is and that this definition is not equivalent to "monitored interaction". Therefore, Applicant requests rejections of claims 4 and 19 be withdrawn.

With respect to claim 15, Examiner asserts that it is indefinite as to what a "link" is. According to the Specification, paragraph [007], if a user action deviates from the actions set in an application script, then link from a deviated action to a next logical point in the application script may be provided. Therefore, the link links a deviation action to a next logical action of an action sequence script.

Claim Rejections - 35 U.S.C. § 102

Claims 1-30 were rejected under 35 U.S.C. § 102 (b) as being anticipated by Pub WO 03/009175 A1, (Nice). These rejections are respectfully traversed. In particular, Applicant submits that these claims are allowable over the cited reference for at least the following reasons.

It is axiomatic that to anticipate a claim every element of the claim must be disclosed with a single reference. Independent claim 1 recites:

"*comparing the monitored interaction with a baseline value to determine a loop in the interaction, wherein the loop is a deviation from baseline*"

Applicant submits that Nice does not teach or suggest comparing a monitored interaction between a user and a computer with a baseline value to determine deviation from the baseline. According to the cited reference, Nice teaches a system and a method for capturing and analyzing content such as text, video, sound, and so on., derived from customer interactions, while the instant application discloses a system and a method for analyzing the user interaction itself, not the content derived from the interaction. The Examiner has tailored different texts from different pages and contexts of the prior art to form an anticipation rejection of claim 1 and 15. However, these texts do not teach or suggest a comparison between the user interaction and a baseline vale. The Examiner cites: "*Recent dynamic changes in the environments ... for a system to ... analyze*", see page 4 of the Office Action, and then interprets this text with: "*in order to analyze changes the system must look at the normal workflow ... then calculate the deviation from the standard*". Applicant submits that there is no base for such an interpretation of the texts cited by the Examiner. Nice does not suggest any deviation or any calculation of the deviation. Moreover, Nice does not teach a comparison with a baseline <u>value</u> claimed with claim 1 and 15

and further described with paragraph [0057] of the Specification. Based on this value, a deviation from the baseline is determined. Further, claims 1 and 15 include a limitation for "*using the deviation to determine a value for user satisfaction*". Although the Examiner cites text that teaches "*any indications of irregularity will alert the management that the bad practice occurred*", the text does not suggest a determination of a value for <u>user satisfaction</u>, only suggests that any irregularities will trigger alerts. Applicant submits that the Examiner has failed to identify the claimed subject matter of claims 1 and 15 to support an anticipation rejection. Allowance of claims 1 and 15 is respectfully requested.

As per claims 16 and 30, the Examiner asserts that element 506 of Figure 11 and page 17, lines 1-10 teach "*means for comparing the monitored interaction with a baseline value to determine a loop in the interaction, wherein the loop is deviation from baseline and use the deviation to determine a value for user satisfaction*". Applicant respectfully disagrees. Element 506 of Figure 11 of Nice analyzes the captured ideas from the interactions, it does not analyze the interaction itself. See Nice, page 59, lines 5-15. With page 17, lines 1-10, Nice discloses an apparatus that includes an interaction capture device, for capturing data from different sources, and a rule based analysis engine that performs checks on the captured data (see page 18, lines 10-15). Again, the analysis is performed on the captured, extracted data and not on the interaction between the user and the computer itself. The cited reference does not teach or suggest comparing a user interaction with a baseline value and determining a deviation and using the deviation to determine a value for user satisfaction. Therefore, Applicant submits that Nice fails to teach or suggest the subject matter claimed by the Applicant in claims 16 and 30. Allowance of claims 16 and 30 is respectfully requested.

As per claims 3 and 18, Applicant submits that Nice does not teach or suggest "*assessing a penalty for every loop in the user interaction log*". What Nice teaches is "*any indications of irregularity will alert the management that the bad practice occurred*". However, raising an alert due to irregularities does not mean that a penalty is assessed. In one case an alert message is sent, while in the other case a penalty is set for a loop in the user interaction, where the loop is a deviation from the baseline, which deviation is used for determining a user satisfaction value. Thus, the assessed penalty directly influences the user satisfaction value (described further in the Specification, paragraph [0057]). Nice does not disclose that the alert takes part in forming user satisfaction. Therefore, Applicant submits that Nice fails to teach or suggest the subject matter claimed by the Applicant in claims 3 and 18. Allowance of claims 3 and 18 is respectfully requested.

As per claims 6, 7 and 21, 22, Applicant submits that Nice does not teach "*assigning a utility value to action sequence*". Examiner cites pages 26-29 and 32 of the prior art but there Nice does not disclose assigning any values to user's action sequence. The prior art suggests some identification numbers for customer's calls, signals, or speakers but no values assigned to user's actions. As mentioned above, Nice analyzes the data received with customer interactions, not the interactions themselves to determine user satisfaction. Therefore, Applicant submits that Nice fails to teach or suggest the subject matter claimed by the Applicant in claims 6, 7 and 21, 22. Allowance of claims 6, 7 and 21, 22 is respectfully requested.

As per claims 8 and 23, Applicant submits that Nice does not disclose "*assigning a utility value to each action sequence*" and storing a script of action sequence. As mentioned above, Nice does not assign values to user actions, only IDs to calls, signals, speakers, and so on, to distinguish the different signals or speakers of voice interactions. Nice stores the captured data

from the interactions, such as voice or video, while claims 8 and 23 address storing a script of user actions performed during an interaction. Therefore, Applicant submits that Nice fails to teach or suggest the subject matter claimed by the Applicant in claims 8 and 23. Allowance of claims 8 and 23 is respectfully requested.
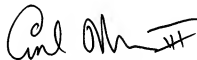
The rest of the claims depend, either directly or indirectly from independent claims 1, 15, 16 and 30, and therefore, also include similar limitations. Because Applicant's independent claims recite at least one feature not disclosed or suggested in the cited reference, Applicant submits that the cited references fail to support a rejection of the dependent claims for at least the same reasons as those discussed above with respect to the independent claims. It is therefore respectfully requested that the rejection of claims 1-30 be withdrawn.

Concluding Comments

On the basis of the foregoing amendments, the pending claims are in condition for allowance. It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

The Commissioner is hereby authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50 0311, Reference No. 34874-280. If there are any questions regarding this reply, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

Date: ___November 17, 2008___

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